

REMARKS

Reconsideration of this application in view of the claim amendments and the following remarks is respectfully requested. Claims 1-5, 7-13 were pending. Claims 1-13 are cancelled and claims 14-44 are added.

The drawings have been amended to more clearly show the template of the present invention. In FIG. 6, missing hidden lines have been added and the extension lines have been aligned correctly with the part. No new matter has been added by these amendments, only correction of the mis-drawn figure. Acceptance of these changes is respectfully requested.

Claims 7-11 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Herbst (US 5,634,508). Claims 7, 9-11 and 13 have been canceled rendering the rejection moot.

Claims 1-5 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herbst. Claims 1-5 and 12 have been canceled rendering the rejection moot.

New independent claims 14, 19, 26, 30, 31, and 34 all recite a cover plate that can be attached to either of the mortise notches and a mounting hole template. The mounting hole template identifies where the mounting holes for the handle assembly need to be drilled. More importantly, the mounting template includes a portion that is located in either of the mortise notches, such as for example the member 16f illustrated in Figure 6 of the present application. The member 16f locates the template at the correct height on the door. Consequently, there is no need to measure to locate the template at the correct height. (specification, page 4, lines 13-18). In essence, the present template is self-locating. Moreover, during marking and/or drilling of the mounting holes, the template is unlikely to slip or move out of position, reducing the risk of drilling the mounting holes in the wrong location.

Herbst fails to teach or suggest a door including a template for facilitating proper drilling of holes with respect to the edge opening. Herbst states that the lock 41 and lock set 42 "either be secured in place or in the mortised lock recess 40, or separately packaged for installation at a later date." [Col. 4, Lines 42-45]. However, no indication is

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given as to how the later installation is to be accomplished, and no indication or suggestion is provided as to the use of a template for easily facilitating this installation.

It is suggested on page 2 of the Office Action that the use of a template is an obvious design choice not expected to produce any new and unexpected results. Applicants respectfully disagree. The present template is self-located, making it unnecessary to measure where it should be located. Moreover, the present template resists slipping during measuring and/or drilling the mounting holes, reducing the chances of incorrectly located mounting holes. Herbst does not show a template, much less the present template. Consequently, no references has been cited showing this element, as required under 35 U.S.C. §103. It is respectfully requested, pursuant to M.P.E.P. § 2144.03, that the Examiner produce a teaching reference which discloses the missing elements and suggests a basis for the combination.

Herbst also fails to disclose the claimed cover plate for the mortise opening not used. Rather, Herbst teaches that a "full length hinge applied to the non-latch edge of the door covers the mortised recess which is not used," thus teaching away from the claimed cover plate. (Herbst, col. 4, lines 15-17). Therefore, Herbst fails to anticipate or render obvious the claimed cover plate.

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CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

A Credit Card Payment Form including a fee of \$198 for eleven (11) new dependent claims in excess of twenty claims is attached. No further fee is believed to be necessary for the entry of this paper. Should the fee be incorrect, the Commissioner is authorized to charge or credit the Faegre & Benson Deposit Account No. 06-0029, as needed and, in such event, is requested to notify us of the same.

Respectfully Submitted,

MARK E. ABDELLA et al.

By: Lynn C. Cameron
Lynn C. Cameron, #44,581
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-8073

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